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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,497	11/26/2001	Arvind Srinivasan	15437-0541	1924

45657 7590 05/26/2006

HICKMAN PALERMO TRUONG & BECKER, LLP  
AND SUN MICROSYSTEMS, INC.  
2055 GATEWAY PLACE  
SUITE 550  
SAN JOSE, CA 95110-1089

EXAMINER
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JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/994,497

Applicant(s)

SRINIVASAN ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

This is a Final Office Action in response to Applicants' Amendment/Request for

Reconsideration filed on March 20, 2006. Claims 1, 14, 19, 20, 32 and 38 have been amended.

Claims 1-38 are presented for further examination.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-38** are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al (hereinafter, "Ferguson", U.S. Pat. No. 6,976,079).

As per claims **1, 20** and **38**, Ferguson discloses in a computer system on which one or more applications execute, a computer-implemented method for reconfiguring the application without restarting the computer system, comprising:

- wherein a first application configuration is defined by first application configuration information, the first application configuration information specifying application classes for execution of the application according to the first application configuration (col. 3, lines 51-65 and col. 3, lines 31-53);

- reading second application configuration information defining a reconfigured version of the application, the second application configuration information specifying application classes for execution of the application according to the reconfigured version of the application (col. 5, lines 26-63);
- constructing a second application configuration based on the second application configuration (col. 5, lines 26-63);
- providing the second application configuration to an application runtime environment for servicing new requests related to the application while maintain the first application configuration for servicing, concurrently with the servicing of new requests based on the second application configuration, existing requests related to the application (col. 5, lines 23-67 and col. 7, lines 31-35).

As per claims **14**, **19** and **32**, Ferguson discloses in a computer system on which one or more applications execute, wherein a former application configuration is defined by a first application configuration information and a current application configuration is defined by a second application configuration information, the application configurations providing for execution of the application, a computer-implemented method for processing application service requests, comprising:

- wherein the first application configuration information specifies application classes for execution of the application configuration information specifies application classes for execution of the application according to the current application configuration (col. 3, lines 51-65 and col. 3, lines 31-53);

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- completing processing, based at least in part on the application classes specified in the first application configuration information, a pending first request for an application service that is associated, via a global variable, with the former application configuration (col. 5, lines 1-15);
- receiving a second request for an application service (col. 5, lines 27-52);
- associating, via a global variable, the second request with the current application configuration (col. 5, lines 1-15);
- accessing the second application configuration information defining the current application configuration (col. 5, lines 27-63); and
- processing the second request according to the second application configuration information (col. 5, lines 27-63).

As per claims **2** and **21**, Ferguson further discloses:

- destroying the first application configuration upon completion of all application service requests using the first application configuration, whereby computer system resources used to maintain the first application configuration are made available for other uses (col. 4, lines 54-67).

As per claims **3** and **22**, Ferguson further discloses:

- accessing persistent session information related to an existing application user session to use for servicing new requests from the same user during the existing application (col. 5, lines 41-67 and col. 7, lines 31-35).

As per claims **4** and **23**, Ferguson further discloses:

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- determining that the second application configuration successfully initialized prior to providing the second application configuration to the runtime environment for servicing new requests (col. 5, lines 42-67 and col. 6, lines 1-7).

As per claims **5** and **24** and **37**, Ferguson discloses:

- wherein the step of determining that the second application configuration successfully initialized is based on a communication from the application runtime environment (col. 5, lines 42-67 and col. 6, lines 1-7).

As per claims **6** and **25**, Ferguson further discloses:

- receiving a request to reconfigure the computer system (col. 5, lines 42-52); and
- reconfiguring the computer system in response to the request (col. 5, lines 42-63).

As per claims **7** and **26**, Ferguson discloses:

- wherein constructing the second application configuration is further based on an application runtime environment configuration, and wherein execution of the instructions by the one or more processors causes the one or more processors to perform providing the second application configuration to server for servicing new requests related to the application according to the second application configuration (col. 5, lines 27-63).

As per claims **8** and **27**, Ferguson discloses wherein the constructing the second application configuration includes:

- reading a timestamp associated with the second application configuration (col. 6, lines 9-23); and

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- determining that the second application configuration information is different than the first application configuration information based on the timestamp (col. 6, lines 9-23).

As per claims **9** and **28**, Ferguson discloses wherein constructing the second application configuration includes:

- reading a timestamp associated with a class file referenced in the second application configuration information (col. 6, lines 9-23);
- determining that the class file has changed based on the timestamp (col. 6, lines 61-67 and col. 7, lines 1-8); and
- constructing the second application configuration, at least in part, according to the changed class file (col. 6, lines 61-67 and col. 7, lines 1-8).

As per claims **10** and **29**, Ferguson discloses:

- logging one or more messages related to providing the second application configuration to the computer system (col. 5, lines 1-15).

As per claims **11** and **30**, Ferguson discloses wherein providing the second application configuration information comprises:

- updating a current configuration reference to reference the second application configuration rather than the first application configuration (col. 5, lines 41-63).

As per claims **12** and **31**, Ferguson discloses:

- wherein updating the current configuration reference is performed atomically (col. 5, lines 41-63).

As per claim **13**, Ferguson discloses:

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- wherein the first application configuration is maintained for servicing, without interruption, existing request related to the application from an existing connection (col. 5, lines 41-67).

As per claims **15** and **33**, Ferguson discloses:

- wherein the pending the first request and the second request originate from the same user session, and wherein completing processing the pending first request and processing the second request are performed without restarting the computer system (col. 5, lines 41-67).

As per claims **16** and **34**, Ferguson further discloses:

- determining whether the first application configuration information is referenced by at least one pending process (col. 5, lines 27-52); and
- deleting the first application configuration information from the computer system in response to determining that the first application configuration information is not referenced by at least one pending process (col. 5, lines 27-52).

As per claims **17** and **35**, Ferguson discloses:

- wherein the first application configuration information occupies one or more blocks or memory and wherein deleting the first application configuration comprises releasing the one or more blocks of memory (col. 6, lines 61-67 and col. 7, lines 1-8).

As per claims **18** and **36**, Ferguson discloses wherein determining whether the first application configuration information is referenced by at least one pending process comprising:



- determining whether a reference count is equal to a predetermined value indication that no processes are referencing the first application configuration information (col. 5, lines 1-15).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims **1-38** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
May 22, 2005

  
**ARIO ETIENNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**